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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,887	12/27/2001	Todd Lagimonier	003636.0114	1873

7590 12/02/2009  
MANELLI DENISON & SELTER PLLC  
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WASHINGTON, DC 20016

EXAMINER
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HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2442

MAIL DATE	DELIVERY MODE
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12/02/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/026,887	<b>Applicant(s)</b> LAGIMONIER ET AL.	
	<b>Examiner</b> Robert B. Harrell	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009 and prior.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20090817 and 20090106</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1, 2, and 4-7 remain presented for examination.
2. The applicant should always use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., ***provide proper antecedent basis for “the” and “said” within each claim***) with each claim ending in a period. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.
3. All rejections, and objections, to date are hereby vacated in view of the following. Also, all remarks directed to those rejections, and objections, have been fully considered but are deemed moot in view of the following.
4. The following is a quotation of the second paragraph of 35 U.S.C 112:

***The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.***

5. **Claims 1, 2, and 4-7 are rejected under 35 U.S.C 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear for the reasons indicated below.

6. Per claim 1 (lines 11-13)), it cannot be clearly ascertained if “directly service” means to transmit the application program to the client device, such that the client device obtains a copy of the application program from the second server, or if the second server executes the application program for the client device on the second server since claim 1 (line 4) does not specifically recite that the client device request for an application program is a request for the transmission of the application program from the second server to the client device or a request for service (i.e., execution on the second server) as is normal in a remote procedure call. In other words, it cannot be clearly ascertained if the client is requesting for a copy of the application program to be downloaded to the client or if the client is requesting for the application program to be executed on a server (i.e., remote procedure call). The same holds for claim 7. That is, it cannot be clearly ascertained if the client is requesting a copy of the program to be transmitted to the client from the second server or if the client is requesting execution of the program at the second server.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

**A person shall be entitled to a patent unless -**

**(b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

8. **Claims 1, 2 and 4-7 are rejected under 35 U.S.C. 102 (b)** as being anticipated by Braddy (United States Patent Number: 6,141,759).

9. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

10. Per claim 1, to the extent examiner is able to understand the invention as defined in the claims, per above, Braddy taught a method (e.g., see Abstract (line 1)) of service-chaining (e.g., see figure 14 and/or figure 18)) a client device (e.g., see figure 4 (42-48)) request (e.g., see Title and Abstract) for service, comprising receiving a client device request (e.g., see Abstract) for an application program (e.g., see figure 4 (78)) at a first physical server (e.g., see figure 4 (52, 54, 58, 64, 90)); determining with a service-chaining module (e.g., see figure 4 (90)) of said first physical server an identity of a second physical server (e.g., see figure 4 (72)) within a distributed environment (e.g., see figure 4) that stores said application program associated with said client device request for said application program (e.g., see Abstract); and transmitting a message object (e.g., see figures 5a-6c and/or figure 15a (428 ("PACKAGE"))) from said first physical server to said second physical server to enable said second physical server to directly service said client device request for said application program (e.g., see Abstract, col. 6 (line 10-et seq.), col. 11 (line 57-et seq.), and col. 26 (line 20-et seq.)).

11. Per claim 2, Braddy also taught receiving said message object at said second physical server and initiating said a servicing of said client device request for said application at said second physical server (e.g., see Abstract).

12. Per claim 4, Braddy also taught determining said identity of said second physical server from a pre-defined profile (e.g., see Abstract, figure 4, and figure 18 for example)); and selecting said second physical server from among a plurality of possible physical servers (e.g., see figure 4 and/or figure 18)), said selected second physical server having a most efficient path for transferring said application program associated with said client device request for said

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application program to said client device (e.g., see col. 12 (lines 57-64) and col. 17 (line 28-et seq.)).

13. Per claim 5, Braddy also taught packaging said client device request for said application program and a storage location of said application program into an itinerary and forwarding said itinerary to said second physical server (e.g., see col. 12 (line 65-et seq.)).

14. Pre claim 6, Braddy also taught a first service associated with said client device request for said application program, on said second physical server; and initiating a second service from said second physical server in response to said completion of said first service (e.g., see Abstract and figure 18).

15. Per claim 7, this claim does not teach or defined above the correspondingly rejected claims given above, and is thus rejected for the same reasons given above.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006. The fax phone number for all papers is (571) 273-8300.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert B. Harrell/  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
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